

REMARKS

By the present Response, claim 23 has been amended and claim 26 has been cancelled. The specification supports these amendments. For example, paragraph 19 discusses extracting the expanders “once the sealing has been performed” and paragraph 20 states that the “guide tube . . . [is] beveled in 17 as shown in the drawing.” In Fig. 2, 17 shows that the guide tube has been beveled from the union of the guide tube and the distal tube to the union of the guide tube and the main tube. In particular, the dashed line in Fig. 2, 17 indicates where the guide tube has been beveled. These amendments are further supported by comparison of Figs. 1 and 2. In Fig. 1, the guide tube is shown extending past the main tube and the proximal portion of the distal tube. By contrast, in Fig. 2, the guide tube no longer extends past either tube because it has been beveled at 17 as discussed in paragraph 20 of the specification.

Reconsideration of the previously rejected claims and favorable action is requested in light of the above amendments and the following remarks.

Specification

The Office Action objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Because the claims, as amended, are adequately supported by the specification, the Applicant respectfully requests that this objection be withdrawn.

First, the Office Action stated that the specification “fails to disclose the portion of the guide tube near the proximal end of the guide tube covering the entire outside of the deflected and inclined portion of the main tube.” Applicant notes that claim 23 has been amended in light of this objection and respectfully submits that claim 23, as amended, is fully disclosed by the specification. For example, in Fig. 1 the proximal end of the guide tube 13’ is shown covering the inclined portion of the main tube. Further, paragraph 18 of the specification states that “13’ of the guide tube 13 is put on the outside of the distal end 11’ of the main tube, on a part 11” which is deflected and inclined towards the axis of the tube itself.”

Second, the Office Action stated that the specification “fails to disclose the proximal end of the guide tube extending past the deflected and inclined portion of the main tube.” Applicant

respectfully disagrees and directs the Examiner's attention to Fig. 1. In that figure, the proximal end of the guide tube 13' is shown extending past the inclined portion of the main tube. This is further illustrated by considering the beveling step disclosed in paragraph 20 of the specification. In order to bevel the guide tube, it must extend beyond the inclined portion of the main tube; if it did not, there would be no portion of the guide tube to cut. This is illustrated by a comparison of Figs. 1 and 2. In Fig. 1, prior to beveling, the guide tube is shown extending beyond the inclined portion of the main tube. By contrast, in Fig. 2, after beveling, the guide tube is now flush with the inclined portion of the main tube.

Claim Rejections – 35 U.S.C. § 103(a)

The Office Action rejected claims 23 and 24 as being allegedly unpatentable over U.S. Pat. No. 6,036,670 (Wijeratne) in view of U.S. Pat. No. 5,389,087 (Miraki). In addition, the Office Action rejected claims 26 and 27 in view of Wijeratne, Miraki and U.S. Pat. No. 6,004,291 (Ressemann). In order to further distinguish it the prior art, claim 23 has been amended to include the step of "beveling the guide tube proximal end at an angle formed by following a straight line from the union of the guide tube and the flared proximal end of the distal tube to the union of the guide tube and the deflected and inclined portion of the main tube." In amended claim 23, this beveling step is performed after the tubes have been fixed via heat sealing. The Applicant respectfully submits that claim 23, as amended, is patentable over the cited prior art.

The Office Action conceded that, together, Miraki and Wijeratne do not disclose beveling a guide tube as required by the invention. The Office Action argued, however, that Ressemann discloses a beveling step. Ressemann discloses a method of taking a main tube, separate from the other components of a catheter, and crimping it. (col. 6, ln. 62). Ressemann states that, after crimping, the main tube is "removed from the assembly and trimmed to the desired length." (col. 7, ln. 7-8). Thus, Ressemann teaches separately cutting a tube prior to fixing that tube in a catheter and basing the location of the cut entirely on the tube length.

On the other hand, the invention discloses beveling a guide tube after it has been fixed to the other components of the catheter and at a angle and location determined by the location of the other catheter tubes. As such, the guide tube of the invention cannot be separately cut based solely on its length, as taught in Ressemann, because the correct location and angle are not known until after the tubes have been fixed.

Cutting the guide tube after it has been fixed to the other components of the catheter, rather than separately trimming the tube, is an important improvement over the prior art because it reduces the need for separate trimming of the tubes and enables the guide tube opening to be flush with both the main tube and the distal tube as shown in Fig. 2, 17. Further, cutting the guide tube based upon the set positions of the other tubes eliminates difficult alignment problems encountered if the tubes are cut separately.

Because the cited prior art does not disclose or suggest beveling the guide tube after it has been fixed and at an angle determined by the location of the other tubes, Applicant respectfully submits that claims 23-25 and 27 are allowable. Favorable reconsideration of the claims, as amended, is respectfully requested, including removal of the rejections under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, the Applicant submits that this application is in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this case might be advanced by discussing the application with the Applicant's representative, in person, or over the telephone, we would welcome the opportunity to do so.

EXCEPT for fees payable under 37 CFR §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to deposit account No. 50-1349. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 CFR §1.136(a)(3).


Respectfully submitted,

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